

Memorandum



Date: April 10, 2006

To: Honorable Natasha Seijas, Chairwoman and Members
Infrastructure and Land Use Committee

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name and title.

Subject: Report on Community Councils
Appointing Purview

This report is provided as a follow-up to your request during the January 17, 2006 Infrastructure and Land Use Committee (INLUC) meeting for a historical review of the distribution of Community Council appointment jurisdiction among County Commission districts. The INLUC Committee also requested that staff recommend a process that would allow all Commission districts to have at least one Commission appointment to the Community Councils.

Historical Background

The attached table (**Attachment 1**) provides the history of Commission district appointments to Community Councils. On November 12, 1996, the Board of County Commissioners approved legislation regarding the filling of Commission appointee seats by allowing the Commissioner whose district has the largest Community Council population to have jurisdiction over appointments in that Community Council.

There are two types of Community Council seats, each with a different process for filling its vacancy:

1) The "Commission appointee seat"

A Commission appointee seat vacancy arises when the appointee leaves office, or when the appointing Commissioner leaves office (although the seat should not be vacated until a new member is appointed and ready to take the seat). The appointment of the new member is made by the Commissioner with the larger council population, but must be confirmed by a majority of the Board of County Commissioners.

2) The "elected seat"

An elected seat vacancy is the result of an elected Community Council member vacating his/her seat prior to the end of its term. In accordance with Section 20-43(b)(7) of the Miami-Dade County Code, an elected seat that is vacated during the four-year term requires the Community Council to call for candidates and make appointment

recommendations to the Commissioner (whose district has the majority of the Community Council area population) within 90 days. If the elected seat remains vacant beyond the 90-day period, the Commissioner is notified of the vacancy and can appoint any qualified candidate without the recommendation of the Community Council. The Board of County Commissioners is not required to confirm this type of appointment.

As delineated on the attached table, ten of the thirteen Commission districts originally had a Commission appointment to a Community Council, and one more gained appointment purview after the 2002 redistricting. To date, five Commission districts (Districts 1, 4, 8, 10, 12) have lost at least one Community Council appointing purview due to incorporations and three of those five (Districts 1, 8 and 12) have lost all Community Council appointing purview.

Representatives from Team Metro, Planning and Zoning, and the County Attorney's Office met and suggest two options for your review and consideration. Attachment No. 2 is an analysis of the two options suggested.

New Processes for Consideration:

The first option (Attachment 2A) considers adding two more members to each Community Council (totaling nine). Adding two new members would keep the Community Council membership at an odd number for voting purposes. One new member would fill a second Commission appointee seat, the other new member would fill a new at-large seat. The second Commission appointee seat would be filled by the Commissioner with the second highest population within the Community Council area – unless that Commissioner already has a Community Council appointment. If so, that Commissioner will yield the seat appointment to the Commissioner with the third highest population. If the Commissioner with the third highest population already has a Community Council appointment, the appointment shall go back to the Commissioner with the second highest population. This plan provides each Commission district with at least one Community Council seat appointment. However, one Commissioner (District 8) will have three Community Council seat appointments; five Commissioners will have two Community Council seat appointments (Districts 4, 5, 7, 9 and 10); and seven Commissioners will have one Community Council seat appointment (Districts 1, 2, 3, 6, 11, 12 and 13).

The second proposed option (Attachment 2B) entails dissolving the Commission appointee seat into an at-large seat, thereby starting all Community Council seats as "elected" seats. The Commissioner with the highest population in the *subarea* with the vacancy would fill any mid-term subarea vacancies. This would allow each Commission district to have appointment jurisdiction of at least one subarea seat in a Community Council, although an appointment would only be made if there is a mid-term vacancy. The rule shall remain that all appointed members must run for office at the very next election. One Commissioner (District 6) will have purview over one subarea seat appointment; one Commissioner (District 12) will have purview of two subarea seat appointments; three

Commissioners (Districts 1, 5 and 11) will have purview of three subarea seat appointments; one Commissioner (District 13) will have purview of four subarea seat appointments; two Commissioners (Districts 2 and 3) will have purview of five subarea seat appointments; two Commissioners (Districts 7 and 10) will have purview of six subarea seat appointments; two Commissioners (Districts 9 and 4) will have purview of eight subarea seat appointments; and one Commissioner (District 8) will have purview of nine subarea seat appointments. Again, only if there is a mid-term vacancy would any appointments be made in this scenario.

Currently, there are ten Community Councils and thirteen Commission districts. Either of the above-mentioned scenarios would accomplish the goal of providing for at least one appointment by each Commission district to the Community Councils.

HISTORY OF COMMUNITY COUNCIL APPOINTMENT PURVIEW
1996 – 2006

DISTRICT:	PREVIOUS APPOINTING PURVIEW:	CURRENT COUNCIL APPOINTING PURVIEW:	REASON FOR CHANGE:
1	CC3, CC4	None	Incorporation of Miami-Gardens dissolved CC3 and CC4.
2	CC8	CC8	No change.
3	None	None	*See below.
4	CC1, CC2, CC7	CC2, CC7	Incorporation of Sunny Isles Beach dissolved CC1.
5	CC16	CC16	No change.
6	None	None	*See below.
7	None	CC12	2002 Redistricting moved CC12 purview from District 10.
8	CC13, CC15	None	Incorporation of Palmetto Bay dissolved CC13; Incorporation of Cutler Bay moved CC15 purview to District 9.
9	CC14	CC14, CC15	Incorporation of Cutler Bay moved CC15 purview from District 8.
10	CC10, CC12	CC10	2002 Redistricting moved CC12 purview to District 7.
11	CC11	CC11	No change.
12	CC5, CC9	None	2002 Redistricting moved CC5 purview to District 13; Incorporation of Doral dissolved CC9.
13	CC6	CC5	2002 Redistricting moved CC5 purview from District 12; Incorporation of Miami-Lakes dissolved CC6.

* Per commission action on November 12, 1996, commission Districts 3, 6 and 7 did not have appointing purview in a community council since their districts encompassed larger incorporated populations. After commission redistricting of 2002, district 7 acquired appointing purview of council 12.

ATTACHMENT 2A
Option 1

OPTION 1: ADD 2 MORE SEATS (one At-Large, one 2nd Commissioner Appointee). First Commissioner Appointee seat filled by commissioner with the most council population (no change); Second Commissioner Appointee seat filled by commissioner with the next highest council population - except if he/she already has an appointment, the appointment purview would then go to the commissioner with the next highest council population. This option ensures that each district has AT LEAST 1 appointment.

Councils:												
Commission Districts:	2	5	7	8	10	11	12	14	15	16		
1	2nd Comm. Appointee seat											
2				1st Comm. Appointee seat								
3			2nd Comm. Appointee seat									
4	1st Comm. Appointee seat		1st Comm. Appointee seat									
5				2nd Comm. Appointee seat						1st Comm. Appointee seat		
6					2nd Comm. Appointee seat							
7							1st Comm. Appointee seat			2nd Comm. Appointee seat		
8						2nd Comm. Appointee seat		2nd Comm. Appointee seat	2nd Comm. Appointee seat			
9								1st Comm. Appointee seat	1st Comm. Appointee seat			
10					1st Comm. Appointee seat		2nd Comm. Appointee seat					
11						1st Comm. Appointee seat						
12		2nd Comm. Appointee seat										
13		1st Comm. Appointee seat										

ATTACHMENT 2B
Option 2

OPTION 2: NO COMMISSION APPOINTEE SEAT. Only mid-term vacancies shall be filled by the Commissioner with the highest population within the affected SUBAREA, until the very next election, when that person will have to run for elected office. Ensures every commissioner has appointing purview for at least one elected seat. Only if there is a mid-term vacancy shall appointments be made.

Commission Districts:	Councils:														
	2	5	7	8	10	11	12	14	15	16					
1	1 Subarea purview	2 Subarea purviews													
2				4 Subarea purviews											
3			3 Subarea purviews	1 Subarea purview											
4	5 Subarea purviews		3 Subarea purviews												
5														3 Subarea purviews	
6					1 Subarea purview										
7										3 Subarea purviews				3 Subarea purviews	
8						1 Subarea purview				3 Subarea purviews	2 Subarea purviews	3 Subarea purviews			
9										1 Subarea purview	4 Subarea purviews	3 Subarea purviews			
10										2 Subarea purviews					
11										2 Subarea purviews					
12		1 Subarea purview		1 Subarea purview											
13		3 Subarea purviews													